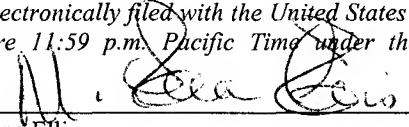


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**REQUEST FOR CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

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*I hereby certify that this correspondence is being electronically filed with the United States Patent and Trademark Office on July 13, 2009 at or before 11:59 p.m. Pacific Time under the Rules of 37 CFR § 1.8.*

  
M. Ena Ellis

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Application Number	: 10/660,453	Confirmation No. 4926
Filing Date	: September 11, 2003	
Inventor(s)	: Lutz Biedermann	
Title	: SPACE KEEPER FOR VERTEBRAE OR INTERVERTEBRAL DISKS	
Group Art Unit	: 3738	
Examiner Name	: David H. Willse	
Docket No.	: 58780/B884	Date: July 13, 2009

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**MAIL TO: Mail Stop RCE**

This is a Request for Continued Examination (RCE) under 37 CFR § 1.114 of the above-identified application.

This application is **not** an application of the kind specified in 37 CFR § 1.114(e).

**1. THE STATUS OF THE APPLICATION IS AS FOLLOWS:**

- a. ☒ Pending (no review proceedings active)
- (1) ☒ An Action was mailed by the Office on February 13, 2009, as to which no appeal under 37 CFR § 1.191 has been filed and
- \_\_\_\_\_ a response under 37 CFR § 1.116 was mailed on
- \_\_\_\_\_ via Express Mail
- \_\_\_\_\_ with certificate of mailing under 37 CFR § 1.8
- ☒ that Action was a Final Rejection, the finality of which is to be withdrawn by this Request
- \_\_\_\_\_ an appeal or civil action under 35 U.S.C. 141,145 or 146 has been terminated
- (2) \_\_\_\_\_ Allowed: the Notice of Allowance was mailed by the Office on
- \_\_\_\_\_ the Issue Fee has not been paid
- \_\_\_\_\_ the Issue Fee has been paid **and** a petition under 37 CFR § 1.313 was granted on
- b. \_\_\_\_\_ Pending (with review proceeding active)
- An appeal under 37 CFR § 1.191 has been filed. **Applicant(s) hereby withdraw that appeal and request reopening of the prosecution of the application.**

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**REQUEST FOR CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

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**Application No. 10/660,453**

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**2. SUBMISSION(S) REQUIRED (check at least one)**

**a. Previously submitted**

- ☐ Consider the amendments/reply under 37 CFR § 1.116 previously filed on  
☐ Consider the arguments in the Appeal or Reply Brief previously filed on  
☒ Other: Form PTO/SB/08A/B filed November 14, 2008 (2 pgs.); Copy of JP 49 11836 to Shu Koujyu reference.

**b. Enclosed**

- ☒ Amendment/Reply  
☐ Affidavit(s)/Declaration(s)  
☐ Information Disclosure Statement  
☐ Documents under 37 CFR § 1.48  
☐ Petition for Extension of Time  
☒ Other: English Translation of Office Action Mailed August 26, 2008 for Japanese Application No. 318697/2003 (4 pgs.); Form PTO/SB/08A/B filed November 14, 2008 (2 pgs.); and a Copy of JP 49 11836 to Shu Koujyu reference.

The Examiner is requested to telephone the undersigned promptly following receipt and initial review of the application in light of the Submissions(s) for the conduct of, or the scheduling of, a telephone interview in the application.

Please direct all correspondence to **CUSTOMER NUMBER 23363**. Direct telephone calls to 626/795-9900, **CHRISTIE, PARKER & HALE, LLP, P.O. Box 7068, Pasadena, CA 91109-7068**.

Respectfully submitted,

CHRISTIE, PARKER & HALE, LLP

By 

Joshua T. Chu  
Reg. No. 59,799  
626/795-9900

JTC/rmw

**REQUEST FOR CONTINUED EXAMINATION (RCE)  
FEE CALCULATION SHEET**

**Application No. 10/660,453**

**PART I — BASIC FEE**

BASIC FEE	Small Entity \$405.00	Large Entity \$810.00	\$810.00
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**PART II — ADDITIONAL CLAIMS (compared to application before RCE)**

	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra Claims	Small Entity Rate	Large Entity Rate	FEE
Total Claims	22	*21	0	x \$26.00	1 x \$52.00	52.00
Independent Claims	2	**3	0	x \$110.00	0 x \$220.00	-0-
First Presentation of Multiple Dependent Claim				\$195.00	\$390.00	-0-
TOTAL CLAIMS FEE						\$862.00
List Independent Claims: 1, 12						
* IF THE "HIGHEST NUMBER OF TOTAL CLAIMS PREVIOUSLY PAID FOR" IS LESS THAN 20, WRITE "20" IN THIS SPACE. ** IF THE HIGHEST NUMBER PREVIOUSLY PAID FOR IS 3 OR LESS, WRITE "3" IN THIS SPACE.						

1. FEES (The RCE fee under 37 CFR § 1.17(e) is required by 37 CFR § 1.114 when the RCE is filed.)

a. Amount (total from Fee Calculation Sheet)

Please charge our Deposit Account No. 03-1728 for \$862.00.

b.  X  The Commissioner is hereby authorized to charge any fees under 37 CFR 1.16 and 1.17 which may be required for this transaction to Deposit Account No. 03-1728. Please show our docket number with any charge or credit to our Deposit Account.